

REMARKS

This Application has been carefully reviewed in light of the Official Action dated March 25, 2004. In order to advance prosecution of the present Application, Claims 1, 9, 12, 13, 16, 24, and 32 have been amended. Applicant respectfully requests reconsideration and favorable action for this Application.

Claims 9, 11, and 13-15 stand rejected under 35 U.S.C. §102(b) as being anticipated by Munter. Independent Claim 9 recites ". . . a scheduler coupled to each of the first and second memory banks and operable to monitor the first and second memory banks in order to determine whether the first and second memory banks have accumulated enough words to form a cell, the scheduler operable to read one or more cells out of a selected one of the first and second memory banks, wherein each of the cells comprises a plurality of the words from a respective one of the first and second sets of packet data." By contrast, the Munter patent receives ATM cells to buffer and forwards the received ATM cells to a switch as determined by a scheduler. The scheduler of the Munter patent is not required to determine whether enough words have been received to form a cell as only entire cells are received for scheduling. Moreover, the Examiner has readily admitted that the Munter patent fails to disclose a capability to determine whether enough words have been accumulated to form a cell as provided in the claimed invention. Therefore, Applicant respectfully submits that Claims 9, 11, and 13-15 are not anticipated by the Munter patent.

Claims 1-5, 7, 8, 16-20, 22-28, 30, and 31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Munter in view of Linsley and further in view of Riemann, et al. The Examiner readily admits that the Munter patent fails to

disclose a capability of monitoring serial-to-parallel converters to determine when one or more words of data of data sets have been accumulated and also fails to disclose the capability of monitoring memory banks to determine when enough words have been written therein to form a cell. The Examiner cites the Linsley patent to support the monitoring of serial-to-parallel converters. However, the Linsley patent merely collects data bits in a FIFO memory and outputs an eight bit byte once the FIFO buffer is full. Thus, the Linsley patent does not determine whether one or more words of a data set have been accumulated as required in the claimed invention. The Examiner cites the Riemann, et al. patent to support the monitoring of memory banks to determine when enough words have been written to form a cell. However, the Riemann, et al. patent does not provide for the placement of the one or more words in a selected memory bank and reading of one or more cells out of a selected memory bank as required in the claimed invention. Therefore, Applicant respectfully submits that Claims 1-5, 7, 8, 16-20, 22-28, 30, and 31 are patentably distinct from the proposed Munter - Linsley - Riemann, et al. combination.

Claims 6, 21, and 29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Munter in view of Linsley and Riemann, et al. and further in view of Shimada. Independent Claim 1, from which Claim 6 depends; Independent Claim 16, from which Claim 21 depends; and Independent Claim 24, from which Claim 29 depends, have been shown above to be patentably distinct from the proposed Munter - Linsley - Riemann, et al. combination. Moreover, the Shimada application does not disclose any additional material combinable with any of the Munter, Linsley, and Riemann, et al. patents that would be material to patentability of these

claims. Therefore, Applicant respectfully submits that Claims 6, 21, and 29 are patentably distinct from the proposed Munter - Linsley - Riemann, et al. - Shimada combination.

Claims 10, 12, and 32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Munter in view of Hoogenboom. Independent Claim 9, from which Claims 10 and 12 depend, has been shown above to be patentably distinct from the Munter patent. Additionally, Independent Claim 32 includes limitations similar to those of Claim 9 shown above to be patentably distinct from the Munter patent. Moreover, the Hoogenboom patent does not disclose any additional material combinable with the Munter patent that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims 10, 12, and 32 are patentably distinct from the proposed Munter - Hoogenboom combination.

The Examiner has not provided an indication that the documents cited in the Information Disclosure Statement of December 17, 2003 were considered during examination of the Application. For the Examiner's convenience, attached herewith is a copy of the December 17, 2003 Information Disclosure Statement. Applicant respectfully requests the Examiner to provide the appropriate indication that the documents cited therein were considered during the examination of the Application.

CONCLUSION

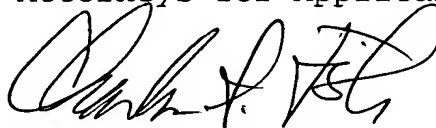
Applicant has now made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

The Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

Attorneys for Applicant

A handwritten signature in black ink, appearing to read 'Charles S. Fish', is written over the printed name.

Charles S. Fish

Reg. No. 35,870

June 25, 2004

CORRESPONDENCE ADDRESS:

2001 Ross Avenue, Suite 600

Dallas, TX 75201-2980

(214) 953-6507

Customer Number: 05073